

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/707,239	BAULDOCK, GERALD
	Examiner	Art Unit
	Dmitry Suhol	3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to applicants interview conducted on June 15, 2004.
2.  The allowed claim(s) is/are 1 and 3-7.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 080404
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
**DERRIS H. BANKS**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3700

## EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerald Bauldock on June 15, 2004.

The claims have been amended as follows:

Claim 1, after "A device consisting of a hollow outer half-cylinder, and..." delete "a solid" and insert - - an - -.

Claim 1, after "...a common center for both the inner and outer half-cylinders," insert - - wherein a top surface of the hollow outer half-cylinder and a top surface of the inner half cylinder can be rotated to form a circle's circumference, - -.

Claim 1, after "...complete 360-degrees cylinder" delete "." and insert - - the hollow outer half-cylinder having marked off units around the 180 degrees of the hollow outer half-cylinder. - -.

Claim 2 has been canceled.

Claim 3, before "...the equations for the circle's..." delete "A hollow outer half-cylinder according to claim 1," and insert - - A device of claim 1, wherein the hollow outer half-cylinder show - -.

Claim 4, before "...has marked off units..." delete "An inner half-cylinder according to claim 1..." and insert - - A device of claim 1, wherein the inner half-cylinder" - -.

Claim 5, before "...the equations for the volume of the cylinder..." delete "An inner half cylinder according to claim 1" and insert - - A device of claim 1, wherein the inner half-cylinder show" - -.

Claim 6, before "...shows the equations of the volume of a slice..." delete "Individual slice according to claim 1, which shows..." and insert - - A device of claim 1, wherein the individual slices show" - -.

Claim 6, after "...for the volume of..." delete "a" and insert - - the respective - -.

Claim 7, before "...have different angles and numerical..." delete "Individual slice according to claim 1, which..." and insert - - A device of claim 1, wherein the individual slices" - -.

Claim 8 has been canceled.

## REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The specific limitations of "...a hollow outer half-cylinder, and an inner half-cylinder that can rotate around a common center for both the inner and outer half-cylinders, wherein a top surface of the hollow outer half-cylinder and a top surface of the inner half cylinder can be rotated to form a circle's circumference, with individual slices that can be attached to the inner half cylinder making a complete 360-degrees cylinder, the hollow outer half-

cylinder having marked off units around the 180 degrees of the hollow outer half-cylinder" have not been anticipated or made obvious over the prior art of record in the examiners opinion. For example, Glidden discloses an educational device which teaches a hollow outer half cylinder (figures 3 and 28, element f), an inner half cylinder (read onto element f ' shown in figures 3 and 28). The ability to rotate about a common center between the two half cylinders is inherent in the device as shown in figure 28, in other words the shells f and f ' can rotate relative each other about a common center (a center running down a central axis A shown below). Individual slices that can be attached to the inner cylinder making a complete 360-degrees cylinder are shown in figure 28 and below separated along axis c2 and c3. However prior art of record fails to disclose/teach the combination of the structural features, as stated above, that incorporates the indicia of marked of units around the 180 degrees of the hollow outer half cylinder. It should be further noted that it is the examiners opinion that the indicia as disclosed/claimed in critical to the use of applicants device, in other words the applicants device would not be able to function without the disclosed indicia since it teaches the geometrical relationships between individual components of the device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ds



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700